IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2629 of 2006

M/S.RADHEY SHYAM RAMSWAROOP & ANR.
V/S
A.D.J.,NO.2,BHILWARA & ORS.

Mr. BHEEMKANT VYAS, for the appellant / petitioner

Mr. ALKESH AGRAWAL for Mr. RR NAGORI, for the respondent

Date of Order : 26.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial Court has dismissed the petitioner's application for amendment of the written-statement. It has been found that the tenant does not deny the factum of the plaintiffs being landlord. In such circumstances, even if the respondents No.2 and 3 have relinquished or assigned their right to plaintiff No.1, it hardly effects favourably the rights of the petitioner, and therefore, it has been found that it cannot be said that amendment is necessary for determining the real question between the parties. It is informed that the original landlord Hemant Kumar has died, and the three plaintiffs are his mother, wife and daughter respectively, and during pendency of the suit, the wife and daughter have relinquished and assigned their respective rights in favour of mother. In my view, the reasons given by the learned

trial Court, are perfectly justified. The impugned order, therefore, does not require any interference.

The writ petition is, therefore, dismissed summarily. The appellate Court is directed to decide the appeal expeditiously.

(N P GUPTA),J.

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